

No. 9/6/86-6 Lab./5405.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the Management of M/s Sunil Rice, Mill, Ferozepur Road, Siwan.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 21 of 1985.

SHRI SHIV RAM, WORKMAN AND THE MANAGEMENT OF THE MESSRS SUNIL RICE, MILLS, FEROZEPUR ROAD, SIWAN.

Present:—

None for the workman.

None for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Shiv Ram, workman and Messrs Sunil Rice Mills, Siwan to this Court. The terms of the reference are as under:—

“Whether the termination of services of Shri Shiv Ram workman is justified and correct, If not, to what relief is he entitled” ?

Shri Shiv Ram through his demand notice dated 15th July, 1984 alleged that he has been in the service of respondent-management for the last two years as a Fitter and had been discharging his duty to the satisfaction of the management. On 24th March, 1984 respondent-management terminated service of workman without serving any notice and without making payment of retrenchment compensation. So there is a clear violation of section 25 (F) of Industrial Disputes Act, 1947. Workman prayed for his reinstatement with continuity in service and with full back wages.

Notice of this claim was served upon respondent-management, but respondent-management did not appear inspite of service. There after amendment was got made by the workman in the name of respondent-management Thereafter Messrs Sunil Rice Traders through Shri Anil Kumar partner were summoned but they did not appear, inspite of service. So *ex parte* proceedings were taken up against the management on 14th March, 1985. Thereafter the case was fixed for *ex parte* evidence for 20th May, 1986. No *ex parte* evidence was summoned or produced even the workman and his Authorised Representative absented, so this reference is dismissed in default.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated, 20th May, 1986.

Endst. No. 1473, dated 27th May, 1986.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./5409.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of The Haryana Forest Development Board through Director, Forest Development Board, Sector 17, Chandigarh (ii) D. F. O., Gobindpuri Road, Jagadhri:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 29 of 1986

SHRI RAM KUMAR, WORKMAN AND THE MANAGEMENT OF THE HARYANA FOREST DEVELOPMENT BOARD THROUGH DIRECTOR, FOREST DEVELOPMENT BOARD, SECTOR 17, CHANDIGARH (ii) D. F. O., GOBINDPURI ROAD, JAGADHRI

Present:—

Shri Surinder Sharma for the workman.

None for the respondent

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred, *vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the dispute between Shri Ram Kumar son of Shri Jyoti Ram C/o Dr. Surinder Sharma, Dharamshala Brahaman, Railway Road, Jagadhry, and The Haryana Forest Development Board to this Court. The terms of the reference are as under:—

Whether the termination of services of Shri Ram Kumar, workman, is justified and correct ?
If not, to what relief is he entitled ?

Workman through his demand notice submitted that he has been in the service of respondent-management for the last seven years. His services were terminated on 12th November, 1985 in violation of section 25 (F) of Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity of service and with full back wages.

Notice of this reference was served upon the respondent-management. Shri Harbans Singh Range, Forest Officer appeared for the respondent-management. The case was fixed for filing claim statement for 16th April, 1986. On 16th April, 1986 neither Shri Harbans Singh nor any body else for management appeared, so Respondents were proceeded *ex parte*.

Workman in support of his claim examined himself as AW-1 and stated that he has been in the service of respondent-management for the last seven years and has been drawing of pay Rs 400 P.M. He further stated that his services were terminated on 12th November, 1985 without issuing any notice or making payment of any compensation in lieu of notice period. He also stated that no retrenchment compensation was paid to him. He further prayed that he be got reinstated with continuity in service and with full back wages.

I have heard Shri Surinder Sharma and have perused the *ex parte* evidence and think that the respondent-management knowingly absented from the contest from this Industrial Dispute, so *ex parte* proceedings were taken up on oath of statement of Shri Ram Kumar workman goes unchallenged and un-impeached. So it has to be believed. Accordingly; I order the reinstatement of workman with continuity in service and with full back wages. Because there is a violation of section 25 (F) of Industrial Dispute by the respondent management. So I pass an *ex parte* award accordingly.

V. P. CHAUDHARY,

Dated, the 30th May, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1448, dated the 30th May, 1986.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./5599.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Supper Rubber Enterprises, 71/3, Mile Stone, G. T. Road, Karnal.

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 54 of 1984

SHRI RAMESHWAR JHA, WORKMAN AND THE MANAGEMENT OF THE MESSRS SUPPER RUBBER ENTERPRISES, 71/3, MILE STONE, G. T. ROAD, KARNAL

Present--

Shri Jang Bhadur for the workman.

Shri V. K. Arora for the respondent.

- AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,— vide clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred dispute between workman Shri Rameshwar Jha, son of Shri Jabar Jha C/o Shri Jang Bahadur Yadav, Organising Secretary, Supper Tyre Karamchari Sangh, Karnal and the Messrs Supper Rubber Enterprises, Karnal to this court. The terms of the reference are as under:—

“Whether the termination of services of Shri Rameshwar Jha, is just and correct? If not, to what relief is he entitled?”

Workman alleged that he has been serving the respondent management for the last many years. His services were terminated in a most arbitrary manner in violation of section 25 (F) of the Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent management contested the claim of the workman and contended that workman was employed on contractual basis i. e. only for six months on temporary basis. As soon as the contract period was over services of workman came to an end automatically. So it was contended that there is no question of termination of services of workman in violation of section 25 (F). Nor workman is entitled to reinstatement as prayed for.

Workman filed rejoinder controverted the allegations of the respondent management and re-asserted his claim as mentioned in the statement of claim.

On the pleadings of the parties the following issues were framed:

Issues

1. Whether termination order of services of applicant is legal, if not to what relief applicant is entitled to ? OPM
2. Whether applicant has got no *locus-standi* to file the present claim.
3. Whether application is not maintainable in present form.
4. Whether Labour Court has got no jurisdiction to try the dispute in question ? OPR
5. Relief.

Management in support of its case examined Shri Ramji Lal and thereafter, tendered into evidence requisite documents and closed its evidence. The case was fixed for management evidence. Shri Jang Bahadur, Authorised Representative of workman made statement that he does not want to pursue this application it be dismissed as withdrawn.

In view of statement of Shri Jang Bahadur the claim of the workman is dismissed as withdrawn with no orders as to costs. I pass award regarding the dispute between the parties accordingly.

ted the 2nd June, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 1499, dated 2nd June, 1986

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V.P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./5600.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of s. Super Rubber Enterprises, 71/3, Mile Stone. G. T. Road, Karnal: —

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 49 of 1984

SHRI SANTU PARSHAD SHARMA, WORKMAN AND THE MANAGEMENT OF
THE MESSRS SUPER RUBBER ENTERPRISES, 71/3, MILE STONE. G. T.
ROAD, KARNAL.

Present.—

Shri Jang Bahadur, for workman.

Shri V. K. Arora, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Santu Sharma, S/o Shri Radhey Sham, Sanjay Gandhi Colony Kambopura, Karnal and the Messrs Super Rubber enterprises, Karnal to this Court. The terms of the reference are as under:—

“Whether termination of services of Shri Santu Parshad is justified and correct, if not, to what relief is he entitled?”

Workman alleged that he has been serving the respondent-management for the last many years. His services were terminated in a most arbitrary manner in violation of section 25 (F) of the Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the claim of the workman and contended that workman was employed on contractual basis i.e. only for six months on temporary basis. As soon as the contract period was over services of workman came to an end automatically. So it was contended that there is no question of termination of services of workman in violation of section 25 (F). Nor workman is entitled to reinstatement as prayed for.

Workman filed re-joinder controverted the allegations of the respondent-management and re-asserted his claim as mentioned in the statement of claim.

On the pleadings of the parties the following issues were framed:

Issues—

- (1) Whether termination order of services of applicant is legal, if not to what relief applicant is entitled ? OPM
- (2) Whether applicant has got no *locus-standi* to file the present claim.
- (3) Whether application is not maintainable in present form.
- (4) Whether Labour Court has got no jurisdiction to try the dispute in question ? OPR
- (5) Relief.

Management in support of its case examined Shri Ramji Lal and thereafter, tendered into evidence requisite documents and closed its evidence. The case was fixed for management evidence. Shri Jang Bahadur, Authorised Representative of workman made statement that he does not want to pursue this application it be dismissed as withdrawn.

In view of statement of Shri Jang Bahadur, the claim of the workman is dismissed as withdrawn with no orders as to costs. I passed award regarding the dispute between the parties accordingly.

Dated the 2nd June, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1500, dated 2nd June, 1986.

Forwarded (four Copies), to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.